SASKATCHEWAN HUMAN RIGHTS COMMISSION

WORKING TOGETHER

A New Equity Program for Saskatchewan

The Saskatchewan Human Rights Commission

January 2007

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The Saskatchewan Human Rights Commission
January 2007

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PREFACE

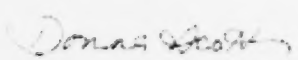
I am pleased to present this report to equity sponsors, community partners, and the people of Saskatchewan. It outlines the new equity program of the Saskatchewan Human Rights Commission and reports on the review process which guided its development. More than 100 groups and individuals participated in the Commission's consultation. I would like to thank them for their insights and recommendations, and for their generous contribution of time and effort to the renewal process.

The Commission's review was prompted by changes in Saskatchewan's social and economic environment, and the need for bigger, faster results in the development of diverse workplaces and learning environments. The challenge of the future will be to develop a culture of inclusion which is committed to the engagement, contribution and success of all residents of the province. Equity programs can make a valuable contribution towards that project.

The new equity program is founded on principles of flexibility, accessibility, expansion, innovation and accountability. It streamlines procedures, opens up approvals to a wide range of initiatives, and shifts its focus from regulation and monitoring to capacity building and partnerships. Organizations can use equity programs by themselves or blend them with other strategies to promote equality, diversity and mutual respect.

Creating a culture of inclusion will require the cooperation of many groups and individuals. That reality is recognized in the title of this report, which also reflects the important role of Aboriginal people, women, people with disabilities, visible minorities and other equity group members in our province's future.

Saskatchewan can draw on many strengths and advantages as it addresses the challenge of change. These include a young and growing Aboriginal population, more than 25 years of expertise with voluntary equity programs, and a history of cooperation and innovation. In the past, Saskatchewan has been a leader in the general protection of human rights. Today, it again has the opportunity to show leadership by developing a community which welcomes the participation and contributions of all its residents.



Donna Scott, Q.C.
Chief Commissioner
Saskatchewan Human Rights Commission

EXECUTIVE SUMMARY

This is a report on the Saskatchewan Human Rights Commission's new equity program and on the comprehensive review which guided its development. The review process was prompted by broad demographic and economic changes in Saskatchewan, and included consultation with more than 100 groups and individuals. To initiate the review, the Commission released a discussion paper which proposed a simpler, more flexible and more open approval process that would accommodate a wide variety of equity and diversity initiatives.

Consultation participants responded positively to the Commission's proposals and expressed strong support for a continued leadership role by the Commission. They asked the Commission to move the equity agenda forward, expand the program, and motivate sponsors. They emphasized the need to ensure the accountability and commitment of equity sponsors, as well as the transparency of their activities. Participants recommended that the Commission facilitate partnerships, sharing and joint planning, and that it provide sponsors with advice, support, resources, education and training.

Though the new equity program builds on the Commission's history and experience with equity programs, it is a major departure from the past. The goals of the new program are to promote flexibility, accessibility, expansion, innovation and accountability. In keeping with the recommendations of consultation participants, the emphasis of the new program will shift from approvals and monitoring to capacity building and partnerships. The foundational document of the new program is the Commission's new *Policy on Equity Programs*.

In the past, the Commission treated employment equity and education equity as separate programs. Now, all equity initiatives are considered part of one broad program. This change enables sponsors to develop programs relating to more than one area of activity, and recognizes the general need to build links between education, employment and services.

Individual sponsors are no longer required to address the needs of all four equity groups: Aboriginal people, women, persons with disabilities and visible minorities. Organizations may design programs focusing on one group only, provided that their plans consider the multiple discrimination often experienced by sub-groups. In addition, sponsors may seek approval for programs designed for new equity groups, if they can provide a rationale for doing so.

The approval process has also been changed. In the past, the Commission approved programs only after they had been fully developed, and all new programs were approved by the full Commission. The new equity program offers a simpler, faster process. The signing of a standard-form equity partnership agreement by the Commission and the sponsor will constitute SHRC approval under section 47 of

The Saskatchewan Human Rights Code. The whole process will typically take weeks rather than the year or more previously required.

The new approval process is consistent with a new partnership model for the Commission-sponsor relationship. Current sponsors will not be asked to sign equity partnership agreements, but will be deemed to be equity partners for the purposes of the SHRC's equity program.

The annual monitoring process has been changed as well. In the past, the Commission required detailed reports from equity sponsors. These were considered on an individual basis by the Commissioners, who then issued "terms and conditions of continued approval" for each sponsor. In its new approach to monitoring, the Commission will balance the need for accountability with accessibility and simplicity. Continued approval will typically be automatic upon the submission of a brief, standard report in the required format and within requested timelines.

The Commission will also view the reporting process as a collaborative cycle of progress and improvement. Every year, sponsors will be asked for suggestions on the format and content of future reports. These suggestions will affect the monitoring guidelines of subsequent years, as well as priorities for resource development. The Commission will promote transparency, accountability and information sharing by posting sponsor reports on its Equity sub-site.

A major theme of the consultation was the need for more and better education, resources and other support services for equity sponsors. The Commission has already begun to act on this recommendation. To date, it has launched an Equity sub-site, and developed an "equity seal" that can be used by equity sponsors to verify Commission approval of their programs.

In order to promote the broad goals of equity, diversity, inclusion, an equitable educational system and a representative workforce, the Commission will seek to work in partnership with other agencies having similar goals.

WORKING TOGETHER

A New Equity Program for Saskatchewan

1. Working Together To Create a Culture of Inclusion

In 2007, the people of Saskatchewan are entering a new era in their shared history. Our province faces a future of opportunity, challenge and change. Employment rates are on the rise[1] but Saskatchewan's workforce is aging and significant labour shortages are on the horizon – not only within our province, but across the country. Employers will meet greater competition for employees as economic opportunities increase.

In the face of this shortfall, policy makers and industry leaders are looking to the "Aboriginal baby boom" for hope. Saskatchewan's young and growing Aboriginal population is now 13.9 percent of the provincial working age population, a figure that is expected to grow to 20.3 percent by 2021.[2] It is generally recognized that Aboriginal people will play a crucial role in our province's future economic well-being. At the same time, other sources of labour are being pursued. The provincial government has expanded programs to attract and retain new immigrants. The elimination of mandatory retirement will allow older employees to continue participating in productive work, and some employers are turning to persons with disabilities as a valuable source of labour. [3]

It is striking that some groups now being invited into the workforce are ones that have been marginalized or excluded from employment opportunities in the past. This is good news. The will to open up the workplace to newcomers and new ways of doing things is the first and most important step on the road to developing a diverse and representative workforce. However, it is not always clear how to reach that goal, even with the best of intentions. Employers may lack the necessary tools or information. Discrimination and systemic barriers to equality may undermine progress. And, efforts in the employment field must be coordinated with changes in education because the disadvantages individuals face at work are often linked to previous disadvantages in the classroom.

Equity programs can help overcome some of the roadblocks. For over 25 years, Saskatchewan employers and educational institutions have used equity plans to develop respectful, equitable workplaces and learning environments. Recently, the Saskatchewan Human Rights Commission made significant changes to its equity

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[1] "Jobless Rate Ranks No.2" (*Saskatoon Star Phoenix*, 6 January 2007) quotes Statistics Canada data showing that, in December 2006, Alberta was the only province with a lower unemployment rate than Saskatchewan.

[2] Doug Elliott, *Sask Trends Monitor*.

[3] "Employers expand recruiting horizons" (*Saskatoon Star Phoenix*, 17 October 2006) quoted a policy analyst for the Canadian Federation of Independent Business as saying 27 percent of CFIB members reported success hiring people with disabilities in 2005.

program to make it more effective and responsive to new realities and modern circumstances. This report outlines those changes. Certain themes that recur in the report - partnership, dialogue, flexibility, and innovation – reflect the Commission's commitment to working with others in its new approach to equity programs.

We must work together to create a culture of inclusion which is committed to the engagement, contribution and success of all residents of the province.

While major change in our province is inevitable, much depends on how change is managed. If change occurs in a haphazard manner, it can lead to division, fear and resentment. A better approach is to draw upon traditional Saskatchewan strengths – innovation, cooperation and respect for human rights – as we work together to create a culture of inclusion which is committed to the engagement, contribution and success of all residents of the province.

2. What Are Equity Programs?

Equity programs (sometimes referred to as "special programs") work hand-in-hand with the anti-discrimination provisions of *The Saskatchewan Human Rights Code* to fulfill the Act's underlying purposes:

- to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family;
- to further public policy in Saskatchewan that every person is free and equal in dignity and rights, and to discourage and eliminate discrimination.[4]

The *Code* provides several methods of achieving these objectives. One is the individual complaint system, which comes into play after discrimination occurs. Another, more proactive approach is the approval of broad programs designed to overcome the systemic disadvantages experienced by certain groups.

Discrimination against groups can be caused by pervasive stereotyping, widespread bias, or systemic barriers. It can arise from policies, practices and expectations that appear neutral but have an adverse effect because of personal characteristics such as ancestry, gender or disability. Sometimes, patterns of inequality are rooted in the discriminatory laws and attitudes of the past. It is no longer legal to restrict the mobility of First Nations persons or deny certain jobs to women, for example, but the effects of such practices are still visible in the make-up of today's workforce.

Discrimination can also be unintentional and indirect. "Word of mouth" hiring practices can limit the pool of job applicants to people who are very similar to current

[4] Section 3, *The Saskatchewan Human Rights Code*.

employees. A physical environment designed 40 years ago for male employees without disabilities may now be unsuitable for employees of different abilities, sizes and genders. A school system designed for only one kind of student will fail those who do not fit the dominant model. As the Commission has noted elsewhere,

> The term "systemic discrimination" has been coined to refer to patterns of exclusion and disadvantage caused by systems, policies and practices . . . Inequality and discrimination do not result only from the deliberate actions of a few wrongdoers motivated by malicious prejudice. Discrimination is also built into systems and institutions. It flows from the accumulated effect of many years of doing things in particular ways that exclude and harm individuals and groups, usually unintentionally.[5]

Conscious, proactive measures are needed to overcome systemic barriers. For this reason, section 47 of the *Code* authorizes the Commission to approve **voluntary programs** designed to prevent, reduce or eliminate disadvantages where those disadvantages are linked to prohibited grounds of discrimination. Programs may be approved in the areas of public services, accommodation, employment or education. Nothing done for the purposes of an approved program is a violation of the *Code*.[6]

Conscious, proactive measures are needed to overcome systemic barriers.

To date, the Commission has used section 47 to approve employment equity and education equity programs for four groups: Aboriginal people, people with disabilities, visible minorities, and women. These groups, in particular, have been excluded from full participation in education and employment. The Commission refers to them as **equity groups**, and to the organizations with approved programs as **equity sponsors** or **equity partners**.

In practice, equity programs share many features with other programs promoting diversity, inclusion or a representative workforce. Typically, equity programs include **positive measures** that remove barriers to equality for equity groups while benefiting others as well. Positive measures do not require legal approval. They are available to all. For example, a "respect at work" policy may be most helpful to those who are vulnerable to sexual or racial harassment, but it will improve the working conditions of all employees.

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[5] Saskatchewan Human Rights Commission, *Renewing the Vision: Human Rights in Saskatchewan* (1996), p. 2.

[6] See section 47 in Appendix A.

Accommodating measures are another important feature of equity programs, because their purpose is to remove barriers to equal benefit and participation. However, the duty to accommodate applies to all persons covered by human rights legislation, whether or not they have an equity program. The Supreme Court of Canada has said all employers, educational institutions and service providers must accommodate individual needs, unless it would cause them undue hardship to do so.[7] Moreover, the duty to accommodate can arise in relation to any prohibited ground of discrimination. For example, an employer with an equity program for Aboriginal people must also accommodate employees who experience disadvantage related to religion, gender or disability.

While positive and accommodating measures can be used in any context, **special or preferential measures** are a unique feature of equity programs. Special measures are actions, policies or decisions that take a prohibited ground of discrimination into account in order to reduce disadvantages experienced because of that ground. They differ from positive measures in that they apply to, and benefit, *only* members of one or more of the equity groups addressed by an equity program. Because they identify opportunities based on prohibited grounds of discrimination, special measures require Commission approval. For instance, the general rule is that employers cannot consider ancestry, gender or disability in their hiring decisions – that would be a violation of *The Saskatchewan Human Rights Code*. But an employer with an equity program can choose to consider a prohibited ground when hiring, for the purpose of developing a representative workforce and within the context of certain parameters established by the Commission. For example:

- An equity employer may have five qualified applicants for a job opening, including a person with a disability. Because equity plans are voluntary, the employer is not required to hire the equity group member. Nonetheless, the employer may *choose* to hire the candidate with a disability in order to promote equality goals and develop a workforce that reflects the make-up of the working age population. In this example, the Commission's approval makes it legal for the employer to consider disability in the hiring decision.
- Scholarships for students from equity groups, special recruitment initiatives to increase the representation of Aboriginal people, and special access to training for women in non-traditional occupations are also examples of special measures.

Special measures are reasonable, necessary and justifiable, because equity programs are dedicated to the same equality goals as the anti-discrimination provisions of the *Code*. They simply use different means of achieving them. Special measures, like accommodating measures, recognize that formal equality does not equal substantive

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[7] See, for example, *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees' Union (B.C.G.S.E.U.)* [1999] 3 S.C.R. 3, also known as the "Meiorin case."

equality. Identical treatment will not always result in equality, because groups and individuals within groups differ from one another and have different needs. In the words of Commissioner Rosalie Abella, [8] "Sometimes equality means treating people the same, despite their differences, and sometimes it means treating them as equals by accommodating their differences." [9]

Special measures are effective strategies of change because they focus directly upon the barriers experienced by equity groups and accelerate progress towards equality goals. Sponsors may choose when and how to use special measures, depending on their individual circumstances.

Equity programs benefit employers, educational institutions, service providers and the people they serve. The Human Rights Commission helps equity sponsors achieve their goals.

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3. Goals and Benefits of Programs

Equity programs benefit employers, educational institutions, service providers and the people they serve. The Human Rights Commission helps equity sponsors achieve their goals.

Employers and service providers may wish to adopt equity programs for a variety of reasons.

1. They need labour, and an equity program will help them recruit and retain a qualified workforce. In a competitive labour market they wish to be seen as "employers of choice."
2. They serve a diverse clientele, and can only provide good service by drawing on the knowledge and skills of a diverse workforce.
3. They want the energy, creativity and competitive edge that a diverse workforce can provide. (The first three reasons are sometimes cited as part of the *business case for diversity.*)
4. They wish to be, and to be perceived as, good corporate citizens. This consideration may be especially compelling for public sector employers or employers in regions with a high proportion of Aboriginal residents.
5. They wish to address historical and systemic discrimination, and make their workplaces models of positive employment practices. (The last two reasons are sometimes cited as part of the *social justice case for diversity.*)

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[8] Now Justice Abella of the Supreme Court of Canada.

[9] Canada Royal Commission on Equality in Employment and R.S. Abella. 1984. *Report of the Commission on Equality in Employment/Rosalie Silberman Abella, Commissioner.* Ottawa, Canada: Minister of Supply and Services.

Educational institutions are also employers, and may share some of the concerns listed above. They may also be motivated by the following interests.

1. They see the provision of equal educational benefit to all students as part of their fundamental educational mandate.
2. They see an affinity between educational principles and the human rights principles of equality, diversity, inclusion, individual dignity and mutual respect.
3. They see value in incorporating equity and human rights principles into educational curricula, practices and procedures.

We need to be able to live together and work together, whether we belong to an equity group or not. That ability, in turn, may require a range of "diversity skills" based on commitments to inclusion, equality and mutual respect.

Historically, equity advocates have tended to focus on either the social justice or business case for special programs. Both perspectives tend to view programs through a narrow lens – what can I do for you, or what can you do for me? Equity programs are portrayed as either the right thing to do (because they redress past discrimination and provide equal opportunities to equity groups) or the smart thing to do (because they improve profits and performance by drawing on the skills, energy and innovations of equity group members).

Both views are persuasive, but today we may need a wider perspective. It is clear that Saskatchewan will need the engagement and contribution of all groups in order to be a prosperous, harmonious community in the 21st century. We need to be able to live together and work together, whether we belong to an equity group or not. That ability, in turn, may require a range of "diversity skills" based on commitments to inclusion, equality and mutual respect. We are now beginning to ask senior managers for such skills. In a future of change, mobility and global connections, diversity skills may become important for all citizens.

4. How the Commission Can Contribute

To be successful, equity programs must dismantle barriers to equal participation and take steps to prevent and redress discrimination. Creating a culture of inclusion will require the efforts of many players and stakeholders. However, the Human Rights Commission can play a unique role in that process because of its legislated mandate. Section 25 of the *Code*, which sets out the Commission's duties, states that the Commission shall:

- forward the principle that every person is free and equal in dignity and rights;
- promote an understanding and acceptance of, and compliance with, this Act;

- develop and conduct educational programs designed to eliminate discriminatory practices;
- disseminate information and promote understanding of the legal rights of residents of the province and conduct educational programs in that respect;
- further the principle of the equality of opportunities for persons, and equality in the exercise of the legal rights of persons, regardless of their status;
- conduct and encourage research by persons and associations actively engaged in the field of promoting human rights; and
- forward the principle that cultural diversity is a basic human right and fundamental human value.

The Commission fulfils its mandate in a variety of ways: through the complaint system, public education, equity programs and exemptions, research and policy development, and systemic advocacy. All of these functions are inter-related, and all are relevant to the effective functioning of equity programs. For example, an employer with an approved program should have a good knowledge of human rights issues and the complaint process; a thorough understanding of equity issues; a tool kit of equity strategies that include staff education and anti-discrimination policies; and an active partnership role in the development of new ways to develop inclusive organizations.

While the Commission is just one partner in the equity project, it brings some important commitments to the table.

1. As the agency responsible for protecting and enforcing human rights, the Commission has expertise in equality and discrimination issues. Some of these, such as the duty of accommodation, are key concerns of equity partners.
2. The Commission's public education role enables it to provide human rights information to equity sponsors and others. Advice and training on human rights issues can help equity sponsors prevent discrimination and deal with it when it occurs.
3. The Commission can help sponsors develop policies and procedures that promote equality and inclusion.
4. Under section 47, the Commission can approve programs involving special or preferential measures. Without approval, the use of such measures could lead to human rights complaints. As noted above, special measures can accelerate progress because they focus directly on the barriers and disadvantages experienced by certain groups.
5. In its public role of administering and promoting equity programs, the Commission can provide support to equity sponsors, act as a clearing-house of information, and facilitate sharing and networking among its partners. This support function will be elaborated upon in subsequent sections as it was a key recommendation emerging from the Commission's review of equity programs.

5. A Short History of Equity Programs in Saskatchewan

Equity programs became possible in 1979 when section 47 became part of *The Saskatchewan Human Rights Code*.[10] The Commission approved its first equity program in 1980.[11] Programs were initially limited to initiatives in employment and post-secondary education. In 1985, the Commission responded to concerns about the extremely high drop-out rate of Aboriginal students by undertaking a public consultation and subsequently launching its K to 12 education equity program. Since that time, equity programs have grown to encompass 39 employers with approximately 43,000 employees, school divisions serving more than 100,000 students in the provincial system, and 10 post-secondary institutions.[12]

The 1990s were an important developmental period for equity programs. In cooperation with sponsors, the Commission developed best practices, indicators of success, and the core components of effective programs.

The 1990s were an important developmental period for equity programs. In cooperation with sponsors, the Commission developed best practices, indicators of success, and the core components of effective programs. In 1993, the Commission moved from an adjudicative monitoring format, which included annual public hearings, to a partnership model with annual seminars, workshops, and SHRC reports on the progress of equity sponsors. Equity programs expanded and matured. Equity practitioners acquired expertise in an increasingly complex field, and employers enlarged the scope of their programs to include community outreach, work-education partnerships, business relationships, and many other innovations. An independent practitioners' network emerged, dedicated to information sharing and the development of best practices in employment equity.[13]

School divisions with equity programs also developed creative initiatives. Plans focused on curriculum, school policies and practices, staff education, parental involvement, anti-discrimination measures and efforts to increase the representation of Aboriginal teachers and non-teaching staff.

In 1994, Saskatchewan Education (now Saskatchewan Learning) formed a working committee that evolved into the Equity in Education Forum. The Forum was a

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[10] *The Saskatchewan Human Rights Code, 1979* amalgamated previous human rights statutes and added some important protections, including section 47 and a prohibition against discrimination because of physical disability. Section 47 applies to organizations within provincial jurisdiction. Equity programs within federal jurisdiction are covered by federal legislation.

[11] The Commission approved its own employment equity plan in January 1980. SaskTel's employment equity plan, approved in October 1982, was the first special program adopted by another agency.

[12] See Appendix C for list of current equity sponsors.

[13] SEEPA (Saskatchewan Employment Equity Practitioners Association), subsequently renamed SEEDA (Saskatchewan Employment Equity and Diversity Association).

network and advocacy group with representatives from the Commission, Saskatchewan Learning, Saskatchewan School Boards Association, Saskatchewan Teachers' Federation, Gabriel Dumont Institute, University of Saskatchewan, University of Regina, and the League of Educational Administrators, Directors and Superintendents. The Forum, now inactive, made a lasting contribution to the development of equitable learning environments by promoting dialogue, undertaking outreach, hosting several major conferences, and producing two key documents that will continue to influence progress in this area.[14]

The accomplishments of equity programs were particularly remarkable because they occurred during difficult economic times.

The accomplishments of equity programs were particularly remarkable because they occurred during difficult economic times. Employers facing layoffs, retrenchment and downsizing had limited opportunities to hire equity candidates, and educational institutions with budgetary constraints had limited capacity to improve programming. Nevertheless, equity sponsors demonstrated that equity programs can work. Between 1993 and 2003, for example, the representation of Aboriginal people in the sponsor workforce[15] increased from 2.9 percent to 7.9 percent and the representation of visible minorities increased from 1.5 percent to 3.1 percent. Clear statistical indicators for education equity were unavailable because of the mobility of students and the lack of a province-wide tracking system, but school divisions provided many qualitative indicators of progress through their reports on initiatives to create welcoming, supportive learning environments for all students.

6. New Realities and the Process of Change

As the overall program developed, however, it began to experience strain. The Commission's responsibilities and expertise increased over the years, but its resources did not. In effect, the success of the equity program became a weakness, as Commission resources were increasingly consumed by the basic demands of approval and monitoring. This, in turn, affected the Commission's ability to provide support services. For many years, the Commission attempted to deal with this dilemma by seeking the assistance of partners and adjusting its procedures. By the end of the 1990s, the Commission found itself challenged to re-invent equity

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[14] The Forum's policy framework, *Our Children, Our Communities and Our Future,* was released in 1997 and can be found on Saskatchewan Learning's Web site at http://www.sasked.gov.sk.ca under "Publications." In 2001, the Forum produced a handbook of activities for classroom use entitled *Planning for Action.*

[15] "Sponsor workforce" means the combined workforces of all organizations with approved employment equity programs.

programs to make them more meaningful, effective and sponsor-friendly. Progress was perceived as slow, and sponsors criticized monitoring as cumbersome. The Commission's capacity to provide adequate services was further weakened in 2002 when the Commission's budget was cut, causing reductions in staff resources for equity and public education.

Ironically, these developments coincided with broad social changes that underlined the need for inclusive classrooms and workplaces. The demographic changes noted earlier in this report created fresh support for diversity initiatives, but the demand was for bigger and faster results than equity programs seemed capable of delivering.

The Commission found itself challenged to re-invent equity programs to make them more meaningful, effective and sponsor-friendly.

For the above reasons, the Commission decided in 2002 to undertake a comprehensive review of equity programs with the goal of opening its services to a broad range of equity and diversity initiatives. In October 2002, the Commission produced a discussion paper entitled *Towards a Culture of Equality, Inclusion and Respect* [16] as a backgrounder for its review of special programs ("special programs" being a technical term for equity programs). The paper proposed a broader scope for equity programs, streamlined monitoring requirements, the sharing of information and resources, and a new emphasis on partnerships.

During 2002-2003, the Commission consulted more than 100 groups and individuals through individual meetings, round table discussions, and written surveys. The community consultation resulted in a wealth of insights and recommendations which are summarized in Part 7 of this report. Following the consultation, the Commission decided upon its new approach to equity programs and prepared a number of key implementation documents. Unfortunately, events intervened. Budget pressures and workload demands on the complaint system caused the Commission to reconsider its position, and in 2004 the Commission decided it could no longer play an active role in equity programming. It informed sponsors of this decision and re-allocated staff resources from public education and equity programs to the mediation and investigation of complaints.

Subsequently the SHRC budget was increased. The Commission revisited the results of its review process and began the process of rebuilding equity programs and its public education function. While preparing for the program's official launch, staff members have been guided by the principles of the new approach approved by the Commissioners in January 2004. The Commission has extended the approval of

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[16] This report can be accessed on the Commission's Equity sub-site (www.shrc.gov.sk.ca/equity) on the "What is Equity?" page under "Special Programs Review."

existing programs, provided information and advice, delivered educational presentations, and begun the task of updating long-term program goals. When new sponsors have sought approval of their initiatives under section 47 of the *Code*, the Commission has made the new and simpler approval process available to them. [17]

7. The Community Consultation

The Saskatchewan Human Rights Commission sought input on its review of equity programs in a variety of ways. It organized round table discussions with employment equity and education equity sponsors, as well as with community-based organizations representing the four equity groups. It met with representatives of the Public Service Commission, the Saskatchewan Visible Minority Employees Association (SVMEA), the Aboriginal Government Employees Network (AGEN), the CUPE Saskatchewan Aboriginal Council, the Saskatchewan School Boards Association (SSBA), the Saskatchewan Employment Equity and Diversity Association (SEEDA), and the Equity in Education Forum. The Commission attended numerous meetings with individuals. It also organized a special focus group meeting of Aboriginal teachers and educators working in the K to 12 and post-secondary systems. To reach groups and individuals it could not meet in person, the Commission distributed written surveys and sought written submissions. It also sought the views of elected politicians and government officials. Despite the short notice and time frame of the consultation, the Commission received input from over 100 individuals and groups. [18]

The Commission's discussion paper proposed a simpler, more flexible and more open approval process that would accommodate a wide variety of equity and diversity initiatives. The paper suggested equity sponsors be given the options of focusing on a single equity group (instead of all four traditional groups), or adding new equity groups. It proposed a single equity program that would enable sponsors to provide education, employment and/or service equity, as they desired. The paper also emphasized the need for partnership and cooperation among all equity sponsors. With regard to monitoring, the Commission proposed changes that would:

- create a simpler, faster process;
- provide "benchmarks" or indicators of success;
- collect, synthesize and share best practice information and other resources;
- facilitate the professional development of equity and diversity practitioners;
- facilitate networking and partnerships – both within and between broad fields of activity such as education, employment and public services; and
- ensure transparency and public accountability of section 47 approvals.

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[17] The Commission has used its new process to approve the employment equity programs of Information Services Corporation of Saskatchewan, the Saskatchewan Apprenticeship and Trades Certification Commission, and the Saskatchewan Workers' Compensation Board.

[18] A list of participants is provided in Appendix B.

The Commission's discussion paper proposed a simpler, more flexible and more open approval process that would accommodate a wide variety of equity and diversity initiatives.

Participants responded positively to these proposals and expressed strong support for a continued leadership role by the Human Rights Commission. They described the Commission as:

- a protector of human justice values and principles;
- a credible, independent agency;
- a watchdog that keeps sponsors honest;
- an anti-discrimination and equality expert;
- a defender of minorities; and
- a leader and advisor.

Participants asked the Commission to move the equity agenda forward, expand the program, and motivate sponsors. They emphasized the need to ensure the accountability and commitment of equity sponsors, as well as the transparency of their activities. Participants recommended that the Commission facilitate partnerships, sharing and joint planning, and that it provide sponsors with advice, support, resources, education and training.

Participants asked the Commission to move the equity agenda forward, expand the program, and motivate sponsors.

Range of Perspectives

Though participants expressed a variety of views, some broad generalizations can be made about the perspectives of the groups consulted. Most employer representatives were front line people with responsibilities for implementing equity within their organizations. They were supportive of the equity program, and – somewhat surprisingly – of the monitoring process. In fact, some wanted a return to more detailed reporting. Some felt the old-style hearings were more effective than the SHRC's more recent "soft" approach to monitoring, because it required senior managers to attend and answer questions. Like most participants, this group supported the concept of flexibility. Overwhelmingly, this group expressed a need for support from the SHRC – both to help them do their jobs and to provide them with backing within their own organizations.

There was more diversity of opinion among representatives of K to 12 education equity sponsors than among employment sponsors. Most supported the SHRC's involvement in education equity, but a small number questioned why the Commission – which functions outside the educational system – should "approve" the initiatives of those who work within it. Some participants suggested other players, such as School[PLUS] or community schools, could play a strong role in ensuring equity in educational services. Other participants, including Aboriginal educators, felt a strong need for the SHRC to act as a watchdog, set standards and monitor progress.

Post-secondary sponsors are quite varied, ranging from SIAST to SUNTEP to the College of Arts and Science at U of S. Participants were generally supportive of the program and the Commission's work. Aboriginal educators expressed themselves more strongly. They see equity programs as essential, and as having made a significant difference to the advancement of Aboriginal people.

The Commission considered the perspective of Aboriginal educators and parents to be central to its review of education equity, and hosted a special focus group of Aboriginal teachers, educators and teacher trainers working within the K to 12 and post-secondary fields. The event was facilitated by an Aboriginal elder and organized as a safe environment in which Aboriginal concerns could be expressed freely. A summary of that event was recorded in *Aboriginal Educators Consultation*, which can be downloaded from the Commission's Web site. [19]

Many community-based organizations have criticisms of how equity plans are implemented and would like to see a "tougher," regulatory approach to equity.

The meeting with Aboriginal educators brought home a number of key messages to the Human Rights Commission. One was the need for teachers and administrators to be sensitive to and counteract the racism that is part of Aboriginal students' daily lives. Another was the need for representative numbers of Aboriginal teachers, administrators and non-teaching staff at all levels of the provincial educational system. This goal will only become more challenging as the proportion of Aboriginal students increases. In the quest for equity in education, Aboriginal educators are important guides. They are valuable resources and positive role models, for all students. Aboriginal educators described some of the obstacles they face, and expressed pride in their success and confidence in their ability to address future challenges.

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[19] *Aboriginal Educators Consultation* (SHRC, March 2004) can be downloaded from the home page of the Commission's Equity sub-site at http://www.shrc.gov.sk.ca/equity.

Community-based organizations (CBOs) were the most emphatic in articulating a strong need for equity programs and leadership by the SHRC. Many CBOs have criticisms of how equity plans are implemented and would like to see a "tougher," regulatory approach to equity. Many CBOs do not see the voluntary approach as working, and would like the SHRC to exercise more control over sponsors, develop more stringent requirements, and increase monitoring. Community organizations expressed skepticism and disappointment with the results of equity programs to date. At the same time, CBOs made many practical suggestions for improving results through a system of rewards, recognition and incentives.

Recommendations of the participants

The following section summarizes the main themes of the recommendations of consultation participants.

1. <u>The SHRC should provide principled direction and leadership.</u>

- Continue to lead the equity program. (No one else will.)
- Provide a voice for those who cannot speak for themselves on diversity issues.
- Compel people to live by the *Human Rights Code.*
- Lobby the government and private industry. Be visible in the public arena.
- Provide a consistent message and a long-term strategy.
- Provide a public policy dimension to equity initiatives. Lend credibility to goals and standards as an objective, independent third party.
- "Set the bar" (re standards). Be the moral conscience of equity sponsors.
- Act as an authoritative voice and reference point.
- Provide expertise, direction, and policy advice.
- Build on the SHRC's unique ability to see equity issues from the perspectives of all stakeholders.
- Coordinate the activities of all the stakeholders.
- Ensure the ongoing input of equity seeking groups and CBOs in policy formulation, consultations and advisory bodies.
- Take a broad role in addressing systemic discrimination - for example, with regard to poverty, the incarceration rates of Aboriginal people and people with disabilities, and meeting the basic needs of students for clothing, food and a safe home.

2. <u>Promote equity at top levels.</u>

- Foster support for equity at high levels (e.g. Ministerial).
- Promote networking and partnerships in and among broad fields of activities - for example, partner with IANE, the Corporate Circle, the Saskatchewan Labour Force Development Board, PLAR initiatives (prior learning assessment recognition), unions and others.
- Help establish and support networking forums that bring together employers, equity seeking groups and services, and other branches of government. Build

forums and councils. Develop a consensus on the best approach. Increase communication. Decrease duplication of efforts.

- Use the corporate circle model (e.g. in a "Diversity Circle") to bring together all important shareholders.
- Work with professional associations to reduce barriers (e.g. regarding the assessment of foreign credentials).

3. Promote management commitment to and accountability for equity progress.
   - Provide mechanisms for ensuring management support and accountability.
   - Return to hearings as a way of holding senior managers accountable, and of giving community organizations genuine input.
   - Use a corporate circle model to engage senior managers on equity issues.
   - Incorporate equity principles into goals and performance measurements throughout organizations, not just in human resource departments.
   - Link progress on equity goals to the performance appraisals and compensation packages of senior managers and all those responsible for hiring.
   - Require action plans, not just lip service.
   - Use an outcomes focus. Ask sponsors to demonstrate how their activities have made a difference, and to demonstrate progress through qualitative analysis, not just numerical progress.
   - Ensure public accountability through annual reports.

4. Establish broad, long-term goals for equity programs.
   - Update and revisit long-term representation goals for employment equity.
   - Consider usefulness of NOC (National Occupational Classification) codes and availability data, at least with regard to short-term goals.
   - Establish goals for education equity plans (e.g. graduation rates).
   - Revisit the SHRC policy definition of women: women in non-traditional occupations are effectively ignored because they are not addressed in the policy. Identify classifications in which women are underrepresented. Note the terminology used by Women in Trades and Technology - TTO/BCW (trades, technology, operations/blue collar work).
   - Consider use of regional goals based on regional population data.

5. Provide specific benchmarks, indicators of success, and other mechanisms for measuring progress.
   - Develop measurable goals and qualitative indicators of success, as well as measurement and self-measurement tools. Give guidance on how to develop indicators of success.
   - Together with stakeholders, develop a broad consensus on quantitative and qualitative indicators of success. Do not develop them unilaterally.
   - Consult experts to ensure benchmarks and statistics are helpful, reliable and realistic.

- Ensure consistency and comparability of information and statistics collected.
- Shift from reporting on activities to outcomes. Develop outcome-based measurements and processes.
- Consider retention and promotion, and attitudinal change at both organizational and individual levels (e.g. through surveys). Go beyond numbers and include perceptions of acceptance and inclusion.
- Maintain the "old" indicators for K to 12 equity (the five original components of education equity plans).

6. Improve the monitoring and "enforcement" of equity initiatives.

- Continue to collect and compile statistics (no one else will).
- Use annual reports as an assessment, self-assessment and public accountability tool, and to create public interest around equity.
- Ask sponsors to report in a way that demonstrates annual progress, current initiatives and future goals.
- Use the corporate circle model ("Diversity Circle") to ensure community participation and evaluation. Ensure more input from CBOs.
- Request separate statistics for people with physical or mental disabilities, and for First Nations and Métis people.
- Look at demographic projections and help people prepare for change that is 5, 10, 15 years away.
- Use positive measures (e.g. awards, recognition) to enhance enforcement.
- Give feedback to organizations on how they are doing (not just terms and conditions).
- Make the monitoring process "value added" (e.g. by synthesizing information) vs. a one-way submission of information. Move to a model of cooperation and exchange. Link to sharing and networking.
- Recognize sponsors for their financial and other commitments.
- Create incentives such as tax breaks, awards, report cards, top 10 lists, financial or public recognition for employers, educators, unions and other stakeholders. Support those who are doing well.
- Create consequences and incentives. "Moral persuasion" is not effective.
- Take a firmer stance with those who don't comply or progress.
- Create penalties for those who are not fulfilling their commitments.
- Make equity mandatory.
- Replace monitoring with auditing.
- Do a report card; grade sponsors.

7. Promote and build support for equity programs, internally and externally.

- Provide rationales for equity programs and the equity groups. Explain why employers are asked to do certain things.
- Give sponsors public education "ammunition" and tools to promote equity.
- Undertake a public awareness campaign to deal with negative public beliefs about equity.

- Build support from unions.
- Promote equity to small and large businesses and business organizations.
- Promote equity programs to youth in equity groups.
- Promote benefits of and reduce anxiety around self-identification.

8. Provide educational and other resources.

- Assist professional development of equity practitioners through workshops and publications.
- Continue to be active in public human rights education. Hold frequent awareness sessions.
- Make public education accessible by providing it on a regional basis.
- Provide information pamphlets. Produce readable and more literature.
- Provide ongoing education on workplace policies, procedures and implementation measures.
- Provide awareness training on equity and diversity issues, plus paper and electronic resources.
- Give sponsors information on resources, seminars and practices from a variety of resources.
- Develop a newsletter that reports success stories, sponsor activities, and the long-term progress indicated by annual reports.
- Develop publications: SHRC policy statements, information bulletins, best practices, problem identification and solving, sharing of success stories.
- Provide communications supports on basic human rights topics, e.g. racism and discrimination. Work on "big picture" discrimination issues like racism.
- Collect and communicate stories.
- Use Web site as way of sharing resources.

9. Promote partnerships and sharing among current and potential sponsors.

- Facilitate sharing of best practices through forums such as monthly meetings.
- Encourage mutual support among sponsors.
- Promote efficiencies of joint learning opportunities, resource sharing, joint planning and collaboration. Facilitate the planning and implementing of joint projects, e.g. in regional structures of school divisions.
- Use a community development approach to promote ownership and build capacity for equity initiatives.
- Sponsor conferences and regional and district meetings, in partnership with sponsors and stakeholder organizations.

10. Provide expertise on technical issues.

- Address the shortcomings of the self-identification system.
- Produce information bulletins on specific issues.
- Identify and share proven best practices (not a shopping list).

11. Act as a referral or recruitment agency.

- Maintain a central list of agencies and community-based organizations that train or refer potential employees.
- Maintain up-to-date lists of contacts.
- Link sponsors with equity promoters or service providers.

The consultation process was extremely valuable and will guide the Commission's actions as the new equity program evolves and takes shape. While it is not possible for the Commission to pursue every recommendation, it will consider all suggestions carefully and attempt to strike a balance that serves the interests of the community and fulfills the Commission's legislated mandate.

8. The New Equity Program

Though the new equity program builds on the Commission's history and experience, it is a major departure from the past. The pressures outlined in Part 6 prompted the Commission to make fundamental changes. In its discussion paper, the Commission proposed "a new concept of special programs – one based on modern circumstances, broader principles and a simpler process." The program which the Commissioners ultimately designed is consistent with this vision, and in some respects goes further than the discussion paper. The requirements for program approval, for example, have been reduced to a minimum so that prospective sponsors can access the benefits of a section 47 approval quickly. Sponsors may choose to develop their programs after approval, using strategies and resources suggested by the Commission or other partners.

Though the new equity program builds on the Commission's history and experience, it is a major departure from the past.

A. Scope and Range of Equity Programs

The goals of the new program are to promote ***flexibility, accessibility, expansion, innovation and accountability.*** These principles apply to both the scope of individual programs, and the range of initiatives eligible for approval.

In the past, the Commission treated employment equity and education equity as separate programs. This may not always be convenient for sponsors. In keeping with the principle of flexibility, the Commission views its equity program as one broad program designed to overcome disadvantages in the areas of employment, education, public services and housing (the four areas specified in section 47 of the *Code*). Under the new program, a sponsor may develop a program relating to more than one area. For example, an organization may wish to have a single program to address its activities as both an employer and an educator, or as an employer and a

service provider. The organization may choose whether to have one program or two, depending on its needs. This approach also recognizes the general need to build links between education, employment and services.

The goals of the new program are to promote flexibility, accessibility, expansion, innovation and accountability.

With regard to the range of initiatives eligible for section 47 approval, the Commission intends equity programs to include the following possibilities.

1. Initiatives that historically have been categorized as section 47 programs. These are broad initiatives designed to address widespread patterns of disadvantage experienced by one equity group or more. Typically, programs involve many components and many strategies for reaching equality goals.
2. A single strategy or limited range of actions intended to benefit one equity group or more. For example, an employer may simply wish to hire preferentially, without developing a comprehensive program that addresses training, retention and other issues. Historically, some initiatives of this kind have been dealt with as exemptions under section 48 of the *Code*. [20]
3. Contracts entered by government or businesses on a preferential basis in order to achieve the goals of section 47 of the *Code*.
4. Joint initiatives undertaken by trade unions and employers to promote employment opportunities for equity groups.
5. Initiatives undertaken to improve housing accommodation or public services to members of equity groups.

B. How the Program Will Operate

The new equity program envisions the Commission-sponsor relationship as a partnership, and a new sponsor may acquire **section 47 approval** simply by entering a standard-form *Equity Partnership Agreement* (EPA).[21] The EPA incorporates by reference parts of the Commission's new *Policy on Equity Programs.*[22] The process of preparing the agreement will typically take weeks, rather than the year or more previously required for program development. [23] Current sponsors will not be asked to sign EPAs, but will be deemed to be equity partners for the purposes of the SHRC's equity program.

In the past, all new programs were approved by the full Commission and only after programs were fully developed. A standard program in the employment area would usually require a workforce analysis, a systems review to identify barriers, outreach

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[20] See Appendix A for full text of section 48.

[21] See Appendix E.

[22] See Appendix D.

[23] See Appendix F, *How To Develop an Equity Partnership Agreement*.

recruitment and retention measures, staff training, a communications plan, the adoption of anti-discrimination policies, goals and timelines, an accessibility audit, the establishment of an employment equity committee, and more. Often, the Commissioners approved applications on an interim basis, subject to terms and conditions requiring further development. Now, the signing of an EPA by the equity sponsor and the Commission constitutes SHRC approval under section 47 of *The Saskatchewan Human Rights Code.*

Approval requirements have been reduced and simplified.

Because the Commission wishes to encourage new and creative strategies, it will not require programs to fit a standard template. Instead, the Commission will ask sponsors to make a commitment to certain **principles and objectives** which are listed in section 4 of the *Policy on Equity Programs.* These are basic philosophical principles and program goals that no sponsor should have difficulty supporting. Sponsors signing an Equity Partnership Agreement will also undertake to meet the **approval requirements** set out in section 5 of the *Policy on Equity Programs.* These are basic undertakings flowing from the requirements of section 47 of the *Code* and the principles of fairness, accountability and cooperation.

The **monitoring process** has also been changed. It is discussed in Part 8D, below.

C. Policy on Equity Programs

The cornerstone of the Commission's new program is the Policy on Equity Programs, and we urge sponsors to read it closely. This policy was adopted by the Commission in January 2004 and confirmed after the Commissioners decided to re-establish equity programming. The full policy is included as Appendix D. The Commission has also produced an expanded version of this document, entitled Guidelines and Application of Policy on Equity Programs, which includes examples and illustrations. The Guidelines may be obtained from the Commission or downloaded from its Equity sub-site at www.shrc.gov.sk.ca .

Various aspects of the *Policy on Equity Programs* are referred to throughout this report. For example, approval requirements are discussed in Part 8B, above. One important subject not discussed elsewhere in this report is the Commission's **new approach to equity groups.**

Prior to the special programs review, the Commission required all employment equity sponsors to address the needs of all four traditional equity groups: Aboriginal people, visible minorities, persons with disabilities and women in underrepresented occupations. It also encouraged education equity sponsors to expand the focus of

their programs to cover all groups of students experiencing barriers to academic success. In its discussion paper, the Commission stated:

> The Commission will continue to promote comprehensive plans, because all four groups experience significant and systemic discrimination. Nevertheless, the Commission does not wish to block single-focus initiatives that can create positive change. The Commission proposes changing its practice to permit a sponsor to focus on one designated group . . .[24]

This proposal was controversial. Some organizations – particularly those representing persons with disabilities - expressed strong reservations about **single-focus programs**. They were concerned that this might lead to some groups being ignored, and said there should be "equity within equity." While recognizing the force of that argument, the Commission ultimately decided it could have the greatest positive impact by strengthening the initiatives that organizations were interested in developing, rather than by attempting to pressure organizations to develop initiatives they did not want to. For this reason, the Commission decided it would approve any equity program that addresses disadvantages experienced by at least one equity group.

The fundamental goals of equity programs can be expressed as principles of fairness and inclusion.

However, the Commission also noted the importance of addressing the multiple discrimination that can be experienced by individuals within equity groups. The *Policy on Equity Programs* states:

> . . . the Commission recognizes the reality that some individuals experience discrimination for more than one reason. One kind of disadvantage can intersect with and compound the negative effects of another. The Commission will therefore ask all sponsors – even those choosing to focus on one equity group – to consider whether additional special measures are advisable where individuals face multiple barriers because they belong to more than one of the four original equity groups.[25]

For example, a single-focus program for Aboriginal people should consider the particular barriers experienced by Aboriginal women and Aboriginal people with disabilities.

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[24] SHRC, *Towards a Culture of Equality, Inclusion and Respect*, 2002, p. 18.

[25] *Ibid*, p. 5.

While enabling sponsors to limit the number of equity groups they will address, the Commission will also allow sponsors to provide programs for **new equity groups**, if they wish. The *Policy on Equity Programs* states:

> The Commission . . . will consider approvals linked to any of the prohibited grounds of discrimination, so long as an applicant fulfils the requirements of section 47: evidence of disadvantage; evidence that disadvantage is related to the prohibited ground of discrimination; and evidence that the proposed program is likely to reduce disadvantage. [26]

D. Measuring Progress

The *Policy on Equity Programs* discusses the **parameters and long-term goals** of equity programs, and the need for periodic progress reports from sponsors. It notes that the fundamental goals of equity programs can be expressed as principles of fairness and inclusion. Equity in employment means a representative workforce that mirrors the working age population in all occupations and at all levels, and supportive work environments that promote the participation of all groups. Equity in education requires an inclusive educational environment that provides equality of benefit to all students.

To ensure programs are effective, however, sponsors need concrete, measurable goals and ways of assessing progress towards them. Goals may be quantitative or qualitative. In the employment area, the Commission looks at Statistics Canada data to develop a picture of Saskatchewan's working age population. Because one goal of employment equity is simply a workforce that mirrors the community as a whole, this picture also constitutes the program's long-term goals. [27] Qualitative goals include subjective factors such as job satisfaction and positive working relationships.

Equity programs should never involve hiring unqualified people; that would be an abuse of a section 47 approval.

In the area of education, quantitative indicators of success could include graduation rates, the post-graduation success of students in employment or advanced studies, and the representation of equity group members in teaching and non-teaching positions. Qualitative indicators might include the educational experience of equity groups, or success at overcoming racism and other obstacles.

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[26] *Ibid.*

[27] The long-term goal for women is based on their labour force participation rate rather than on their working age population. This is because women have different patterns of employment than other groups, and generally experience more absence from the workplace because of childbearing and childrearing.

The numerical goals identified by the Commission are sometimes misunderstood or misrepresented as "quotas" that employers must fill, regardless of the abilities of applicants. In fact, equity programs are completely voluntary; they do not force employers to hire anyone. Though the long-term goals are set for employers (by the social reality which is documented by the national census), employers set their own short and mid-term goals and timelines. Finally, equity programs should never involve hiring unqualified people; that would be an abuse of a section 47 approval.

The Commission will view the reporting process as a collaborative cycle of progress and improvement.

The Commission asks sponsors to provide periodic **statistical and narrative reports**, in order to assess progress and ensure the public accountability of equity programs. During the special programs review, some sponsors expressed the view that monitoring was a demanding process. Some employment sponsors felt the statistical reporting was onerous (though others saw value in detailed tracking of workforce changes). Many sponsors felt they were receiving too little return from the work that went into preparing annual reports.

On the other hand, there have been indications that monitoring is necessary. This was the view of the employment equity coordinators who participated in the review, as noted above in Part 7. As well, the *Final Report and Recommendations of the Commission on Improving Work Opportunities for Saskatchewan Residents* recommended in February 2006 that "The Human Rights Commission strengthen its monitoring of employment equity plans and results. Monitoring is to be done on a departmental basis in the public service and on an individual basis for each Crown Corporation." [28]

In its new approach to **monitoring and reporting**, the Commission will attempt to balance the need for accountability with accessibility and simplicity. It will reduce the amount of statistical information required, and seek to ensure that any statistical information gathered is meaningful to the sponsor as well as to the Commission. Simplifying the process will also free Commission resources for developmental work. While sponsor reports have always been the basis of the Commission's knowledge and equity activities, time constraints have made it difficult for the Commission to synthesize or "give back" the information collected. In the past, individual reports were considered by the Commission as a whole, and sponsors were given individualized feedback and direction in "terms and conditions of continued approval." In future, continued approval will typically be automatic, so long as sponsors provide the Commission with a brief, standard report in the required format and within requested timelines. [29]

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[28] Saskatchewan Labour, *Final Report and Recommendations of the Commission on Improving Work Opportunities for Saskatchewan Residents*, February 2006, p. 14.

[29] See Article 6 of the *Equity Partnership Agreement* in Appendix E.

In keeping with the recommendations of consultation participants, the Commission will treat the reporting process as the foundation of its facilitative role. Like the statistical tables sponsors are asked to complete, questions in the narrative report will be designed to be meaningful to sponsors and to elicit information that can be transformed into useful resources.

The Commission will also view the reporting process as a collaborative **cycle of progress and improvement.** Every year, sponsors will be asked for suggestions on the format and content of future reports and these suggestions will affect the monitoring guidelines of the following year. Conferences, round table discussions and other partnership events may provide other opportunities for input. Because annual reports help generate resources, the sponsors' recommendations will help set priorities for resource development. Sponsor input will also help identify key issues and indicators of success.

The Commission will promote transparency, accountability and information sharing by posting sponsor reports on its Equity sub-site.

E. Equity in Education

The Commission's new approach to equity programs will apply to all equity sponsors, whether they operate in the areas of employment, education or public services. The Commission looks forward to working with current educational partners to develop positive changes and indicators of success, and welcomes new partners in the educational field.

Institutions with education equity plans already have approval for "single-focus" employment initiatives that benefit Aboriginal people.

The Commission's review process coincided with Saskatchewan Learning's own process of reorganization and renewal. Provincial school divisions have experienced several rounds of amalgamation over the past few years, and Saskatchewan Learning has made some important changes to its own programs. For these reasons, the Commission believes it should continue to review and reflect on its role in education equity. One goal of this process will be to align the Commission's education equity program with recent Saskatchewan Learning initiatives such as the Pre-K to 12 Continuous Improvement Framework. This process will take some months.

In the meantime, the Commission will continue to work with educational sponsors as it does with employment sponsors. As it re-establishes the annual reporting system, the Commission will undertake to streamline reporting requirements for educational sponsors. Because of recent changes to the Pre-K to 12 system, the first reports requested from school divisions will be very brief.

Education equity programs have always had an employment equity component, because they enable educational institutions to use positive, preferential measures to recruit, retain and promote Aboriginal teachers and non-teaching staff. Changes to the equity program will create some new options for educational sponsors. As the Commission now views equity as a single program, educational sponsors may expand the "employment equity" aspect of their initiatives without developing a separate plan for employment goals. For example, a school division wishing to address employment barriers faced by staff members who are either Aboriginal people or persons with disabilities may consult the Commission about ways of converting their current plan into a dual-purpose initiative that addresses both educational and employment issues. Educational institutions interested in developing workforces that are representative of the Aboriginal population need take no action, because their "education equity" plans allow them to undertake special measures to create workforces that are representative of the Aboriginal working age population. In other words, institutions with education equity plans already have approval for "single-focus" employment initiatives that benefit Aboriginal people.

F. Roles and Responsibilities

Parts 3 and 4 of this report touched on the respective roles of sponsors and the Commission in efforts to develop inclusive classrooms and workplaces. One message we received from the review process was that employees and community-based organizations sometimes misunderstand the role the Commission is able to play. Some participants held the Commission accountable for slow progress or lack of commitment on the part of equity sponsors.

Implementation is the sponsors' responsibility; the Commission's role is to promote equity and help sponsors achieve their goals.

The Saskatchewan Human Rights Commission has a legislated mandate to promote equality and reduce discrimination by granting approval to equity programs under section 47 of the *Code*. In this sense, the Commission has a mandate to promote the expansion of programs and facilitate their development. The Commission must also be transparent and accountable in the exercise of its authority, because it has a duty to protect the human rights of every resident of the province.

Participants in the community consultation asked the Commission to play a leadership role and move the equity agenda forward. This is consistent with the Commission's legislated role. However, the Commission cannot, and should not, implement individual equity programs. Implementation is the sponsors' responsibility; the Commission's role is to promote equity and help sponsors achieve their goals.

Saskatchewan's equity program is a voluntary one, and the Commission does not have the authority to audit sponsors, require them to take action, or penalize them for any reason. The only sanction available to the Commission is to withdraw its approval of an equity program. This is the reality of the legislative framework for equity programs under the *Code*, even though it can be a source of frustration to community organizations and equity groups.

Section 47 does require the Commission to monitor sponsors in order to ensure public accountability, but the Commission's new approach to equity programs will reduce the regulatory aspect of its activities and focus on partnership and capacity building. The new program is founded on principles of flexibility and accessibility, and enables sponsors to develop equity programs in ways that make sense for them. In this way, the direction of change underlines the responsibility of sponsors for the results of their equity programs.

G. Equity, Diversity and Other Terms

In part, the public debate around equity, diversity and other initiatives has been a conversation about language. Some people view diversity as a broader term than equity, arguing that diversity programs go beyond the four traditional equity groups to promote fairness and inclusion for all. The Human Rights Commission agrees with the goal of broad, inclusive programs and wishes to make its services available to a wide variety of initiatives. For this reason, the Commission suggested in its discussion paper changing the name of its program to "Equity, Diversity and Inclusion Program." The feedback from the consultation was that the Commission should reconsider. Participants talked about the recognition value of the term "equity," and noted that the name of the Commission's program will not limit the variety of programs benefiting from a section 47 approval.

In financial circles, equity means the value of assets.
In law, equity means the quality of being just, impartial and fair.
The human rights definition encompasses both meanings.

The Commission agrees, and will continue to use the term "equity program" to describe its own, broad initiative. The Commission has decided to reclaim the term "equity" for other reasons as well. In financial circles, equity means the value of assets. In law, equity means the quality of being just, impartial and fair. The human rights definition encompasses both meanings. Equity is the principle and belief that all groups are entitled to genuine equality of opportunity and that achieving this ideal will promote social harmony and prosperity. The word "equity" therefore captures the essence of the program, while reflecting both the social justice and business arguments for diversity.

This does not mean that individual sponsors must call their own initiatives "equity programs." Sponsors may, of course, give their programs any title they wish for the purposes of their own functions and reports. However, programs may be referred to by different names in different contexts. In order to identify initiatives as ones that have received Commission approval under section 47 of the *Code*, the Commission will refer to them as equity programs and to their sponsoring organizations as equity sponsors or equity partners.

9. Developing and Sharing Resources

A major theme of the consultation was the need for more and better education, resources and other support services. Sponsors expressed a need for basic human rights education as well as for presentations and materials on specialized topics. They requested professional development events, publications and electronic resources, news bulletins, conferences, workshops and better use of the Internet. They asked the Commission to facilitate networking, information sharing and joint planning, and to support the promotion of equity through success stories and recognition programs. Community-based organizations also stressed the need for more public education.

Sponsors expressed a need for basic human rights education as well as for presentations and materials on specialized topics.

The Commission is in complete agreement with this recommendation, and has already made efforts to act on it. In the fall of 2003, the SHRC launched an Equity sub-site as a preliminary response to the request for equity information and resources. Development of the sub-site came to a halt in early 2004 when the Commission suspended its equity activities, but this resource will be updated and enhanced in the near future. The Commission has also developed an "equity seal" - a visual image that can be used by equity sponsors in a variety of contexts to identify themselves as part of the equity community and to verify Commission approval of their programs. Future projects include the development of publications, an electronic information network, and professional development events. In 2007, the Commission will also revive and expand its public seminars on human rights issues.

10. Partnerships and Cooperation

Part 8A of this report describes a wide spectrum of equity initiatives that the new equity program of the Saskatchewan Human Rights Commission is designed to accommodate. This approach serves the vision of progress, expansion and flexibility by making approvals easier to obtain.

Equity programs can be blended with or work alongside other initiatives to promote diversity, inclusion or a representative workforce. As noted in Part 2, equity programs typically share many features of other diversity initiatives, as well as similar goals and strategies. The unique contribution which the Commission can make to such initiatives is outlined in Part 4.

It is hoped that the Commission's new approach to equity programs will also lead to broad partnerships with other agencies. To this end, the Commission has begun working with the Aboriginal Employment Development Program of First Nations and Métis Relations to develop consistent reporting procedures that will make it easier for employers to participate in both programs. The Commission will also seek to work more closely with the Public Service Commission, which administers the workplace diversity program of the Government of Saskatchewan. With regard to education equity, the Commission has begun discussions with the First Nations and Métis Education Branch of Saskatchewan Learning, and the newly formed Aboriginal Learning Knowledge Centre. [30]

Saskatchewan must develop a broad culture of inclusion in order to address the social and economic challenges facing it.

Part 1 of this report argued that Saskatchewan must develop a broad culture of inclusion in order to address the social and economic challenges facing it. That vision cannot be fulfilled without the efforts of many individuals and organizations who are working together. We hope the new equity program of the Saskatchewan Human Rights Commission will accelerate our joint progress towards common goals.

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[30] A project of the Canadian Council on Learning, the Aboriginal Learning Knowledge is a consortium of more than 80 organizations and individuals from across the country. One of its lead agencies is the Aboriginal Education Research Centre at the University of Saskatchewan.

APPENDIX A
Excerpts from *The Saskatchewan Human Rights Code*

Section 47 (Programs)

47(1) On the application of any person or on its own initiative, the commission may approve or order any program to be undertaken by any person if the program is designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, creed, religion, colour, sex, sexual orientation, family status, marital status, disability, age, nationality, ancestry or place of origin of members of that group, or the receipt of public assistance by members of that group by improving opportunities respecting services, facilities, accommodation, employment or education in relation to that group or the receipt of public assistance by members of that group.

(2) At any time before or after approval to a program is given by the commission, or a program is ordered by the commission or a human rights tribunal, the commission may:

(a) make inquiries concerning the program;

(b) vary the program;

(c) impose conditions on the program; or

(d) withdraw approval of the program as the commission thinks fit.

(3) Nothing done in accordance with a program approved pursuant to this section is a violation of the provisions of this Act.

Section 48 (Exemptions)

48(1) Where any person or class of persons is entitled to an exemption under any provision of this Act or any other Act administered by the commission or where the Chief Commissioner considers it necessary and advisable, the Chief Commissioner may, upon application from the person who is entitled to the exemption or who seeks the exemption, by order made in accordance with any terms, conditions or criteria prescribed in the regulations, exempt that person or class of persons from any or all of the provisions of this Act, other than Part I, or from any or all of the provisions of any other Act administered by the commission.

(2) Notwithstanding that an exemption order has been made under sub-section (1), the commission may, on its own initiative or upon application from any person or class of persons, terminate the exemption order, but the person or class of persons in whose favour the exemption order was made shall receive thirty days written notice that the exemption order may be terminated and shall be allowed to make representation to the commission.

(3) Notice under subsection (2) may be given personally, by ordinary mail addressed to the last known postal address of the persons in whose favour the exemption order was made, or by publishing that notice on three consecutive days in the daily newspaper published closest to the places of residence of those persons.

APPENDIX B
Participants in Special Programs Review

EQUITY SPONSORS
Battlefords School Division
Broadview School Division
City of Regina
City of Saskatoon
College of Dentistry, University of Saskatchewan
Community Health Services (Saskatoon) Assn. Ltd. (Saskatoon Community Clinic)
Crown Investments Corporation
Crown Management Practices, Crown Investments Corporation
Department of Economics, University of Saskatchewan
Gabriel Dumont Institute
LandsWest School Division
Meadow Lake School Division
Northern Lights School Division
Northlands College
Public Service Commission of Saskatchewan
Regina Catholic School Division
Regina Public School Division
Saskatchewan Crop Insurance Corporation
Saskatchewan Indian Federated College
Saskatchewan Legal Aid Commission
Saskatchewan Liquor and Gaming Authority
Saskatchewan Research Council
Saskatchewan School Boards Association
Saskatchewan Teachers' Federation
Saskatchewan Transportation Company
Saskatoon Catholic School Division
Saskatoon Public School Division
SaskEnergy
SaskPower
SaskTel
School of Physical Therapy, University of Saskatchewan
Saskatchewan Government Insurance
Saskatchewan Institute of Applied Science and Technology (SIAST)
College of Nursing, University of Saskatchewan
Saskatchewan Property Management Corporation
SUNTEP, Prince Albert

(NOTE: In addition, 18 Aboriginal educators participated in a special focus group, which is summarized in *Aboriginal Educators Consultation.* See footnote 19.)

COMMUNITY-BASED ORGANIZATIONS
Canadian Deaf and Hard of Hearing Association
Canadian Mental Health Association, Saskatchewan Division
Canadian Mental Health Association, Saskatoon Branch
Canadian Paraplegic Association
Career Headways
First Nations Employment Centre
Gary Tinker Foundation
Immigrant, Refugee and Visible Minority Women of Saskatchewan
Multicultural Council of Saskatchewan
North Saskatchewan Independent Living Centre
Regina & District Association for Community Living
Regina Open Door Society
Regina Work Preparation Centre
Saskatchewan Abilities Council
Saskatchewan Association for Rehabilitation of Brain Injured
Saskatchewan Association on Human Rights
Saskatchewan Deaf & Hard of Hearing Services Inc.
Saskatchewan Intercultural Association
Saskatchewan Voice of People with Disabilities Inc.
Saskatoon Association for Community Living
SEARCHs
South Saskatchewan Independent Living Centre
Women in Trades and Technology (WITT)

MINISTERS AND GOVERNMENT OFFICIALS
Deputy Minister of Corrections and Public Safety
Deputy Minister of Saskatchewan Labour
Deputy Minister of Social Services
Executive Co-coordinator, Office of Disability Issues, Community Resources
Executive Director, Saskatchewan Learning, Planning, Evaluation and Children's Services
Minister of Culture Youth and Recreation
Minister of Justice and Attorney-General
Minister of Saskatchewan Learning
Minister of Saskatchewan Property Management Corporation
Status of Women Office, Saskatchewan Labour

INDIVIDUALS
Beingessner, Agnes R.
Gingell, Professor Susan
Kuchta, Joseph
McKenzie, Wayne (W.M. McKenzie Consulting Inc.)

APPENDIX C
Current Equity Partners

Employment

City of Prince Albert
City of Regina
City of Saskatoon
Community (Saskatoon) Health Services Assn.
Crown Investments Corporation
Government of Saskatchewan
John Howard Society
Information Services Corp. of Saskatchewan
Law Society of Saskatchewan
Northlands College
Parkland Regional College
Prince Albert Co-operative Health Centre
Regina Police Service
Regina Public School Division
Regina Women's Community Centre
Saskatchewan Apprenticeship and Trade Certification Commission
Saskatchewan Communications Network
Saskatchewan Crop Insurance Corporation
Saskatchewan Gaming Corporation
Saskatchewan Government Insurance
Saskatchewan Human Rights Commission
Saskatchewan Institute of Applied Science & Technology (SIAST)
Saskatchewan Legal Aid Commission
Saskatchewan Liquor and Gaming Authority
Saskatchewan Opportunities Corporation
Saskatchewan Property Management Corp.
Saskatchewan Research Council
Saskatchewan Teachers' Federation
Saskatchewan Transportation Company
Saskatchewan Water Corporation
Saskatchewan Watershed Authority
Saskatchewan Workers' Compensation Board
Saskatoon Police Service
SaskEnergy
SaskPower
SaskTel
The Co-operators
University of Regina
University of Saskatchewan

Pre K to 12 School Divisions

Prior to the Commission's break in equity services, 17 school divisions with close to 80,000 students had approved education equity plans. In addition, Regina Public School Division – with more than 21,500 students – had an approved employment equity plan. This brought the total number of students benefiting from equity programs to over 100,000 students, roughly 57 percent of the approximately 175,000 students in the provincial K to 12 system. Amalgamation of school divisions led to many of the SHRC's former K to 12 sponsors becoming part of larger organizations. Currently, the following school divisions have approvals under section 47 of the *Code*.

Living Sky
North West RCSSD
Northern Lights
Prairie Valley
Prince Albert RCSSD
Regina RCSSD
Saskatchewan Rivers
Saskatoon
St. Paul's RCSSD

Post-Secondary Educational Institutions

College of Arts and Science, U of S
College of Dentistry, U of S
College of Medicine, U of S
College of Nursing, U of S
College of Pharmacy and Nutrition, U of S
Gabriel Dumont Institute (GDI) and Saskatchewan Urban Teacher Education Program (SUNTEP)
Northern Teacher Education Program (NORTEP) and Northern Professional Access Program (NORPAC)
Saskatchewan Institute of Applied Science and Technology (SIAST)
School of Physical Therapy, U of S
Western College of Veterinary Medicine

APPENDIX D

Saskatchewan Human Rights Commission
POLICY ON EQUITY PROGRAMS

"Sometimes equality means treating people the same, despite their differences, and sometimes it means treating them as equals by accommodating their differences."
Commissioner Rosalie Abella[31]
Report of the Commission on Equality in Employment, 1984

1. Introduction

The purpose of this policy is to outline the Commission's approach to equity programs and to set out the requirements for approval of equity programs under section 47 of *The Saskatchewan Human Rights Code*.32 Section 47 authorizes the Commission to approve **voluntary programs** designed to prevent, reduce or eliminate disadvantages experienced by groups of individuals because of a prohibited ground of discrimination.33 The Commission may approve programs undertaken to improve opportunities in the areas of public services, accommodation, employment or education. Nothing done for the purposes of an approved program is a violation of the *Code*.

2. Explanation of Terms

In this policy, a program approved under section 47 is referred to as an **equity program**. An organization or institution with an approved program is referred to as a **sponsor** or **equity sponsor**. The group an equity program is designed to benefit is called an **equity group**. Employers, educators and service providers can use many strategies to advance equality of opportunity, including positive, accommodating and special measures.

- **Positive measures** are open to all. They remove barriers to equality for equity groups while benefiting others as well.

- **Accommodating measures** serve the same broad purpose as equity programs – the removal of barriers to equal benefit and participation. The duty to accommodate applies to all persons covered by human rights legislation

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[31] Now Justice Abella of the Supreme Court of Canada.

[32] See Appendix A for full text of section 47. Equity programs may be approved by the Commission under section 47, or negotiated in settlement of a human rights complaint, or ordered by a court or human rights tribunal.

[33] Religion, creed, marital status, family status, gender, sexual orientation, disability, age, colour, ancestry, nationality, place of origin, race or perceived race, and receipt of public assistance (section 3, *The Saskatchewan Human Rights Code*).

whether or not they have an approved equity program, and to all prohibited grounds of discrimination. General human rights law requires accommodating measures; therefore, they do not require Commission approval.

- **Special measures** are actions, policies or decisions that take a prohibited ground of discrimination into account in order to reduce disadvantages experienced because of that ground. They differ from positive measures in that they apply to, and benefit, *only* members of one or more of the equity groups addressed by an equity program. Special measures require Commission approval.

3. The Potential Range of Equity Programs

The Commission's approach to equity programs is based on its commitment to flexibility, accessibility and accountability. Because the Commission wishes to encourage new and creative strategies, it will not require programs to fit a standard template. Instead, the Commission will ask sponsors to make a commitment to the objectives and principles outlined in section 4 of this policy, and to fulfill the requirements outlined in section 5. This commitment will be a condition of Commission approval, which will take effect when the Commission and the sponsor sign a standard-form Equity Partnership Agreement.

Without limiting the nature of requests brought to it for approval, the Commission intends equity programs to include the following possibilities.

(1) Broad initiatives designed to address widespread patterns of disadvantage experienced by one or more equity groups. Typically, programs involve many components and many strategies for reaching equality goals.

(2) A single strategy or limited range of actions intended to benefit one or more equity groups. For example, an employer may simply wish to hire preferentially, without developing a comprehensive program that addresses training, retention and other issues. Historically, some initiatives of this kind have been dealt with s exemptions under section 48 of the *Code*. 34

(3) Contracts entered by government or businesses on a preferential basis in order to achieve the goals of section 47 of the *Code*.

(4) Joint initiatives undertaken by trade unions and employers to promote employment opportunities for equity groups.

(5) Initiatives undertaken to improve housing accommodation or public services to members of equity groups.

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[34] See Appendix A for full text of section 48.

4. Principles and Objectives

The Commission asks all equity sponsors to make a commitment to the following principles and objectives.

(1) To support the fundamental objectives set out in section 3 of *The Saskatchewan Human Rights Code*; that is,

(a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and

(b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

(2) To support the principle that cultural diversity is a fundamental human value.

(3) To support the principle of equality of opportunity.

(4) To foster the full potential of all individuals and promote their contribution to the creation of a prosperous, harmonious and inclusive society.

(5) To improve opportunities for equity groups in the areas of employment, education, accommodation or public services.

(6) To recognize the reality that individuals may experience disadvantage because of more than one prohibited ground of discrimination. Further, to consider whether additional special measures are advisable where individuals face multiple barriers because they belong to more than one of the four original equity groups: Aboriginal people, people with disabilities, visible minorities and women in underrepresented occupations.

(7) To support the establishment of links and partnerships between equity initiatives in employment, education and public services.

5. Approval Requirements

Equity sponsors are also asked to meet the following requirements, which are based on section 47 of the *Code*, principles emerging from case law, or the Commission's own experience with equity programs.

(1) The program must be designed to prevent, eliminate or reduce disadvantages related to a prohibited ground of discrimination.

(2) The program must improve opportunities in services, facilities, accommodation, employment or education.

(3) Except where the Commission recognizes in this policy (as amended from time to time) that a group experiences disadvantage in Saskatchewan, the

sponsor will illustrate that it is appropriate to designate a group as an equity group for the purposes of section 47 of the *Code*.

(4) The sponsor must illustrate the existence of disadvantage within its own organization – both at the initial approval stage and in periodic progress reports – for the equity groups addressed by its program.

(5) The sponsor will undertake to implement its section 47 program in a fair and reasonable manner that takes into account the relevant interests of all persons affected by the sponsor's actions.

(6) The sponsor agrees that no person shall be laid off, terminated or demoted in order to implement a section 47 program.

(7) Where a sponsor employs unionized employees, the sponsor will obtain the trade union's support for the equity program and will ensure the trade union's ongoing involvement in the program's implementation. If the sponsor is unable to obtain trade union support, the Commission may approve the sponsor's program if the sponsor demonstrates that it has made concerted efforts to obtain trade union support and that Commission approval of the sponsor's program will advance the purposes of section 47 of the *Code*.

(8) The sponsor acknowledges that approval of an equity program does not authorize the breach of a collectively bargained agreement.

(9) The sponsor supports the sharing of information and resources among equity sponsors and other community partners.

(10) To ensure public accountability, the sponsor will provide the Commission with periodic monitoring reports in the format and on the dates set by the Commission.

(11) The sponsor undertakes to maintain transparency of programs and accountability for special measures approved under section 47 of the *Code*.

6. Equity Groups

Because the Commission's mandate is to protect the human rights of all Saskatchewan residents, it has been careful to require statistical or other evidence of significant, widespread disadvantage before designating equity groups. To date, the Commission has approved equity programs for four groups: Aboriginal people, people with disabilities, visible minorities, and women. These groups have been denied equality of opportunity and benefit in important areas of public life.

In the past, the Commission promoted the inclusion of all four groups in equity

programs. However, the Commission's 2002-2003 review process highlighted the importance of supporting all equity initiatives that can create positive change. The Commission will therefore approve any equity program that addresses disadvantages experienced by at least one equity group.

At the same time, the Commission recognizes the reality that some individuals experience discrimination for more than one reason. One kind of disadvantage can intersect with and compound the negative effects of another. The Commission will therefore ask all sponsors – even those choosing to focus on one equity group – to consider whether additional special measures are advisable where individuals face multiple barriers because they belong to more than one of the four original equity groups.

The Commission has also decided to open equity programs to new equity groups. It will consider approvals linked to any of the prohibited grounds of discrimination, so long as an applicant fulfils the requirements of section 47: evidence of disadvantage; evidence that disadvantage is related to the prohibited ground of discrimination; and evidence that the proposed program is likely to reduce disadvantage.

The Commission does not wish to impose onerous or unnecessary requirements upon potential sponsors. If the Commission itself has already noted that a group experiences disadvantage in a particular context, a sponsor will not be required to illustrate this fact. With a new group or in a novel context, however, the Commission will ask the sponsor to provide a rationale for the requested approval.

7. Parameters and Long-Term Goals

The fundamental goals of equity programs can be expressed as principles of fairness and inclusion. Equity in employment means a representative workforce that mirrors the working age population in all occupations and at all levels, and supportive work environments that promote the participation of all groups. Equity in education requires an inclusive educational system that provides equality of benefit to all students.

To ensure programs are as effective as possible, sponsors need concrete, measurable goals and ways of assessing progress towards them. Goals may be quantitative or qualitative. Where disadvantage can be expressed in numerical terms, the parameters for special measures will typically reflect the extent of disadvantage.

In the employment area, numerical indicators are readily available. The Commission looks at Statistics Canada data to develop a picture of Saskatchewan's working age population. Because one goal of employment equity is simply a workforce that mirrors the community as a whole, this picture also constitutes the program's long-term goals. Qualitative goals include subjective factors such as job satisfaction and positive working relationships.

In the area of education, the Commission notes that Aboriginal people, visible minorities and people with disabilities experience systemic disadvantage in education and that students may also experience disadvantage because of gender. Quantitative indicators of success could include graduation rates and the representation of equity group members in teaching and non-teaching positions. Qualitative indicators might include the educational experience of equity groups, or success at overcoming racism and other obstacles. The Commission has not established numerical goals for educational initiatives, but wishes to do so in consultation with educational partners and sponsors.

With regard to new equity groups or novel situations, the Commission will ask potential sponsors to suggest appropriate parameters or limits for the use of special measures. Where the Commission itself provides parameters for special measures, sponsors will not be asked to propose them.

8. Progress Reports

The Commission asks sponsors to provide periodic statistical and narrative reports, in order to assess progress and ensure public accountability of equity programs.

Adopted by the Saskatchewan Human Rights Commission on January 20, 2004

APPENDIX E

EQUITY PARTNERSHIP AGREEMENT

BETWEEN: The Saskatchewan Human Rights Commission
("The Commission")

AND: _____
("The Sponsor")

Whereas section 47 of *The Saskatchewan Human Rights Code* allows the Saskatchewan Human Rights Commission to approve programs designed to promote equality of opportunity;

And whereas the sponsor wishes to establish an equity program in accordance with the Commission's "Policy on Equity Programs";

And whereas the sponsor commits itself to the principles and objectives of equity programs set out in the Commission's "Policy on Equity Programs";

And whereas the sponsor undertakes to meet the approval requirements for equity programs set out in the Commission's "Policy on Equity Programs," as it may be revised from time to time;

THE PARTIES AGREE:

1. The sponsor will establish an equity program under section 47 of *The Saskatchewan Human Rights Code* in order to improve opportunities in the area or areas of [insert- employment, education, housing and/or public services].

2. The equity program will be designed to benefit the following equity group or groups: [insert equity groups here].

3. The equity groups addressed by the equity program experience disadvantage in Saskatchewan as described in the Commission's "Policy on Equity Programs."

4. The sponsor has illustrated that the equity groups experience disadvantage within the sponsor's organization.

5. The Commission grants approval under section 47(1) of *The Saskatchewan Human Rights Code* to the sponsor's equity program.

6. Subject to the Commission's discretion under section 47(2) of *The Saskatchewan Human Rights Code,* this agreement will remain in effect for so long as the sponsor continues to meet the Commission's monitoring requirements and the requirements of the Commission's "Policy on Equity Programs," as it may be revised from time to time.

7. During approval the sponsor may undertake "special measures," within limits set or agreed to by the Commission, to achieve the objectives of section 47 of *The Saskatchewan Human Rights Code.* Special measures are actions, policies or decisions that provide benefits to the equity group or groups listed in clause 2.

8. During approval the sponsor may identify itself publicly as an equity sponsor and use any promotional materials developed by the Commission for use by equity sponsors.

9. The Commission will promote links, partnerships and the sharing of information and resources between the sponsor and other equity sponsors.

Signed in the City of _____ in the Province of Saskatchewan on the _____ day of _____, 200__.

Saskatchewan Human Rights Commission	Sponsor
By:	By:
_____	_____
Chief Commissioner	[Sponsor]
_____	_____
Witness	Witness

APPENDIX F
How to Develop an Equity Partnership

Organizations with an interest in equality, diversity and inclusion can now access a fast, straightforward method for strengthening their initiatives.

Special measures to promote equality of opportunity can be used by equity partners with programs approved by the Saskatchewan Human Rights Commission. Special measures are actions, policies or decisions designed to reduce disadvantages that are linked to a prohibited ground of discrimination. For example, employers with equity programs may make concerted efforts to recruit Aboriginal employees because it would help them develop a representative workforce. Without Commission approval, it would be illegal to focus on ancestry in the hiring process. But in an approved equity program, special measures are understood to serve the same equality goals as the anti-discrimination provisions of *The Saskatchewan Human Rights Code*.

Under the Commission's new procedures, an equity partner can obtain formal approval within several weeks. The equity partner (or sponsor) obtains initial approval by entering an *Equity Partnership Agreement* with the Commission. In this agreement, the sponsor makes a commitment to the principles and objectives set out in the Commission's *Policy on Equity Programs* and agrees to meet the policy's requirements. After approval, the sponsor may access Commission services and resources to develop or enhance its program. The Commission will periodically renew its approval while the partnership agreement is in effect, so long as the sponsor meets the Commission's reporting requirements.

Prior to signing an agreement, the sponsor will be asked to take the following steps.

1. Identify the equity group or groups the program is designed to benefit.
2. Identify the areas in which the program will improve opportunities for the equity groups: employment, education, housing and/or public services.
3. Provide information demonstrating that the equity groups identified in step one experience general disadvantage in Saskatchewan.

   Note: This step is not necessary where the Human Rights Commission has already noted the existence of disadvantage. The Commission notes that the four traditional equity groups – Aboriginal people, people with disabilities, visible minorities and women – experience disadvantage in employment throughout Saskatchewan. In the area of education, the Commission notes that Aboriginal people, visible minorities and people with disabilities experience systemic disadvantage and that students may also experience disadvantage because of gender. In addition, the Commission endorses the inclusive vision of the Equity in Education Forum, which is dedicated to "the fair and equal treatment of all members of our society who are entitled to participate in and enjoy the benefits of an education."

4. Provide information demonstrating that the equity groups experience disadvantage within the sponsor's organization.

Employment Initiatives
Sponsors wishing to improve employment opportunities for one or more of the four traditional equity groups will be asked to prepare a statistical analysis of their workforce. This analysis will demonstrate under-representation of the equity groups and provide base-line data against which future progress can be compared.

Educational Initiatives
Step four will not be required of educational institutions because many indicators of success – such as non-discriminatory learning environments – do not lend themselves to statistical analysis. Where Aboriginal students are an equity group, however, sponsors will be asked to provide statistical information on the representation of Aboriginal students, teachers and non-teaching staff by the time of their first progress report. The Commission will continue to work with educational institutions to identify additional indicators of success and disadvantage.

New Group or Context
Where an equity program addresses a new equity group or seeks to improve opportunities in housing or public services, the sponsor will be asked to demonstrate the existence of disadvantage within its own organization.

5. Propose appropriate parameters or limits on the special measures the sponsor wishes to use. This step is not necessary for educational or employment initiatives designed for one or more of the four traditional equity groups, because the Commission itself identifies long-term goals in those circumstances. Equity in employment means a representative workforce that mirrors the working age population in all occupations and at all levels, and supportive work environments that promote the participation of all groups. Equity in education requires an inclusive educational system that provides equality of benefit to all students.

6. In unionized workplaces, obtain the trade union's support for the equity program and ensure the trade union's ongoing involvement in program implementation. For example, the sponsor may provide a letter from the trade union expressing its support for the equity program and a description of a union-management committee or other mechanism that will ensure ongoing union involvement.

Commission approval takes effect upon the signing of an Equity Partnership Agreement by the Commission and the sponsor.

For more information, contact an Education & Equity Advisor at the Human Rights Commission. The Advisor can answer questions, provide survey forms and other resources, and identify any supporting documents that may be needed.